

REMARKS

Claims 1 and 3-24 are pending in the application. In the Office Action dated December 19, 2005, the Examiner rejected claims 1, 3-4, 6-13, 15-19, and 21-24 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Pat. No. 5,940,117 ("Hassan") in view of U.S. Pat. No. 5,414,460 ("Gonzales").¹ Further, claims 5, 14, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hassan in view of Gonzales and U.S. Pat. No. 5,701,582 ("DeBay"). In this Amendment, claims 1, 11, and 21 have been amended. Applicants respectfully request reconsideration and withdrawal of the rejection in light of the amendments to the claims and the following remarks.

I. **The Proposed Combination of Hassan and Gonzales Does Not Render the Current Independent Claims Unpatentable**

Independent claims 1, 11, 18, and 21 are each directed to a method, system, or set-top box for downloading video content *via a digital subscriber line* representing a program to a subscriber terminal, subscriber premises, set-top box, or networked device. Generally, the video content is decomposed into a plurality of video quality portions comprising a low-quality video portion that comprises a complete copy of the program at a low video quality. A complete copy of the low-quality video portion is stored locally. After a complete copy of the low-quality video portion is stored locally, a user may make a request for the program corresponding to the video content. In response to the request made by the user after a complete copy of the low-quality video portion is stored locally, one of the plurality of video quality portions of a higher quality than the low-quality video portion is downloaded *via a digital subscriber line* to the subscriber terminal, subscriber premises, set-top box, or networked device. Hassan and Gonzales both fail to disclose or suggest downloading one of a plurality of video quality portions of a higher quality than a low-quality video portion *via a digital*

¹ Applicants assume the Examiner inadvertently cited 35 U.S.C. § 102(e) as the basis of this rejection and have addressed the rejection as based on 35 U.S.C. § 103(a) below.

subscriber line to a subscriber terminal, subscriber premises, set-top box, or networked device.

Hassan is directed to a method for transmitting multiresolution image data via wireless devices in a radio frequency communication system wherein images are decomposed into levels of resolution. Hassan is limited to a system of transmitting image data **via wireless devices in a radio frequency communication system**. Hassan does not disclose or suggest performing actions over a digital subscriber line such as downloading one of a plurality of video quality portions of a higher quality than a low-quality portion **via a digital subscriber line** to a subscriber terminal, subscriber premises, set-top box, or networked device as recited in each of the independent claims.

Like Hassan, Gonzales also fails to disclose or suggest performing actions over a digital subscriber line such as downloading one of a plurality of video quality portions of a higher quality than a low-quality portion **via a digital subscriber line** to a subscriber terminal, subscriber premises, set-top box, or networked device as recited in each of the independent claims as recited in the independent claims. Due to the fact neither Hassan or Gonzales disclosure or suggest at least this limitation, any combination of Hassan and Gonzales necessarily cannot render independent claims 1, 11, 18, and 21, or any claims that depend on claims 1, 11, 18, and 21, unpatentable. Applicants respectfully request reconsideration and withdrawal of the rejection to claims 1, 3-4, 6-13, 15-19, and 21-24 as being unpatentable over Hassan in view of Gonzales.

II. The Proposed Combination of Hassan, Gonzales, and DeBay Does Not Render Independent Claims 1, 11, and 18 Unpatentable

DeBay is directed to a system and method of optimizing transmission of a program to multiple users over a distribution system. Like Hassan and Gonzales, DeBay does not disclose or suggest performing actions over a digital subscriber line such as downloading one of a plurality of video quality portions of a higher quality than a low-quality portion **via a digital subscriber line** to a subscriber terminal, subscriber

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premises, set-top box, or networked device as in independent claims 1, 11, and 18. Due to the fact neither Hassan, Gonzales, nor DeBay disclose or suggest at least this limitation, any combination of Hassan and Gonzales necessarily cannot render independent claims 1, 11, and 18, or any claims that depend on claims 1, 11, and 18, unpatentable. Applicants respectfully request reconsideration and withdrawal of the rejection to claims 5, 14, and 20 as being unpatentable over Hassan in view of Gonzales and DeBay.

III. CONCLUSION

In view of the foregoing amendment and remarks, Applicants submit that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200